

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**LEE RATZEL,**

**Plaintiff,**

**v.**

**Case No. 06C0689**

**TIM ZIEGLER,**

**Defendant.**

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**DECISION AND ORDER**

Plaintiff Lee Ratzel, a pro se litigant, has filed an action under 42 U.S.C. § 1983, alleging that defendant “unlawfully restrained” and strip-searched plaintiff, who is confined at the Wisconsin Resource Center pursuant to Wis. Stat. Ch. 980. Ordinarily, a plaintiff must pay a statutory filing fee of \$350 to bring an action in federal court. 28 U.S.C. § 1914(a). Plaintiff, however, has requested leave to proceed in forma pauperis, pursuant to 28 U.S.C. § 1915.

Section 1915 is meant to ensure indigent litigants meaningful access to federal courts, Nietzke v. Williams, 490 U.S. 319, 324 (1989), and applies to both nonprisoner plaintiffs and to plaintiffs who are incarcerated, Floyd v. United States Postal Serv., 105 F.3d 274, 275-77 (6th Cir. 1997) (“[T]he only logical interpretation of the statute is that non-prisoners have the option to proceed in forma pauperis under § 1915(a).”). Under § 1915, an indigent party may commence a federal court action, without paying required costs and fees, upon submission of an affidavit asserting inability “to pay such fees or give security therefor” and stating “the nature of the action, defense or appeal and the affiant’s belief that the person is entitled to redress.” 28 U.S.C. § 1915(a)(1).

Plaintiff has filed an affidavit of indigence. However, he has not used the proper form. Plaintiff should file an affidavit of indigence using the enclosed form, "Petition and Affidavit to Proceed without Prepayment of Fees and/or Costs," within twenty (20) days of the date of this order. After plaintiff files the enclosed form, I will review his request to proceeding in forma pauperis.

**NOW, THEREFORE, IT IS HEREBY ORDERED** that plaintiff shall file the "Petition and Affidavit to Proceed without Prepayment of Fees and/or Costs" within twenty (20) days of the date of this order.

Dated at Milwaukee, Wisconsin this 24 day of June, 2006.

/s\_\_\_\_\_  
LYNN ADELMAN  
District Judge